

CAlifornians for Renewable
Energy, Inc. (CARE)
C/o Michael Boyd
5439 Soquel Drive
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**State of California
Energy Resources Conservation
And Development Commission**

In the Matter of:)	
)	Docket No. 99-AFC-3C
)	
Metcalf Energy Center petition to)	CARE's comments on petition to
amend air quality conditions of)	amend air quality conditions and
certification)	request for evidentiary hearing
_____)	

CARE's comments on petition to amend air and request for evidentiary hearing

In behalf of our members CAlifornians for Renewable Energy, Inc. (CARE) respectfully provides the following comments on the proposed Metcalf Energy Center petition to amend air quality conditions and requests an evidentiary hearing on such amendment, to allow the public an opportunity for meaningful and informed public participation.

The Metcalf Energy center is indeed a unique siting case. The members of the public who spent thousands of hours of their personal time to prevent significant impacts to their lives are now having their hard fought conditions of certification swept aside by a piecemeal amendment process that does not allow full public participation. Without a hearing or an opportunity to present their evidence and experts to the Committee these new proposed amendments will produce a doubling of NOx, CO, and POC emission limits during steam turbine cold startup and gas turbine combustor tuning activities, change the current CO limits during commissioning from 930 lb/hr to 5,000 lb/hr and from 11,498 lb/day to 20,000 lb/day; and violate the 8-hour Co standard when the EIR and FDOC CO background levels are utilized. Eight of the participants in the February 23, 2005 Amendment workshop have formally requested an evidentiary hearing on this amendment and regardless of the burden to the commission the citizens who participated in the siting case deserve their hearing to

present the evidence that staff is refusing to consider. Besides the obvious piecemeal destruction of the environmental safeguards that the original decision had installed to protect the local residents the current amendment process does not allow independent scrutiny of the proposed conditions of certification by qualified experts who are not controlled by the Commission or the Applicant. The summary to the Presiding Members Proposed Decision provides this description of the public's interest in the siting of the Metcalf Energy Center:

“Regarding the public participation aspects of this case, the hearing process had 34 formal party intervenors, including two municipalities, the developer of an adjacent campus-style industrial park, and representatives of neighborhood community organizations. The community members were not represented by legal counsel, yet many of such parties spent hundreds of hours on hearings and probably as many in preparation for such. As a matter of law and policy, the Commission has encouraged such participation. However, in circumstances such as were presented by this case, I found the burden on these parties to be extraordinary. I believe in complex cases such as this, the public would be better served by a less formalistic procedure. Recent changes in statute and proposed changes in regulations will permit flexibility in this regard, thus responding to the circumstances of each unique case.” (Summary of Presiding members proposed decision page 1 June 15, 2001)

At the February 23rd, 2005 workshop for the amendment citizens offered current monitoring data to commission staff that was provided by the applicant that demonstrates a violation of the 1 hour NO₂ standard will occur with the amendment. Participants also provided evidence that the project would in fact violate the 8- hour CO standard if the background values contained in the Final Decision, the functional EIR and the values in the project's BAAQMD FDOC were utilized. Commission staff refuses to go back and look at the evidence in the original decision that demonstrates a 2 pound per hour increase in PM-10 emissions because of the installation of the CO catalyst, which results in an increase of PM10 over the 100 tons/year thereby requiring the applicant to purchase additional Emission Reduction Credits (ERCs) for PM10 impacts pursuant to the federal Clean Air Act (CAA). Further amendments will be necessary that will continue to erode the environmental safeguards in the original decision such as the fuel sulfur content limit of .2 grains per 100 scf that will need to be amended. Additionally the MEC has decided, based upon their commissioning experience with the Los Medanos Energy Center and Delta Energy Center that the NO_x mass emission limits for the first year of operation can be reduced from 185 tons per year to 150 tons per year resulting in a reduction in offsets of 40.25 tons of POC per year. Imagine doubling your NO_x and CO emissions during startup and shutdown and then

asking for a refund of ERC's based on the Los Medanos and Delta Projects that have violated their conditions of certification over 70 times in the last several years. These two projects were the subject of a \$300,000 civil penalty assessed by the BAAQMD for their consistent violations of their NO_x, CO and ammonia slip limits. Clearly there are several reasons to provide an evidentiary hearing in this matter.

One hour NO₂ violation

Calpine has provided members of the public with monitoring data from the new station that is less than a mile away from the projects site. Denise Jang of the BAAQMD has promised to include the data in his analysis for the amendment. Energy Commission Staff's representative refused to analyze the data in the amendment analysis. If the commission refuses to look at the data it should wait for the release of the BAAQMD more comprehensive review before approving this amendment. The BAAQMD will not be releasing its decision until after the Commission considers the adoption of the amendment. It is reasonable to wait before the BAAQMD releases its approval for the CEC to act on the amendment considering the controversy that exists over the project and the amendment. There seems to be a disagreement over the validity of the data and perhaps this should be a subject of an evidentiary hearing on this matter.

8- Hour CO violation

The amendment list Background for CO in the Project area as 7,811 ug/m³ notice these are the applicants commissioning results not an independent agency.

Table 3
Applicant Commissioning Modeling Results

Pollutant	Averaging Period	Project Impact (µg/m ³)	Background Concentration (µg/m ³) ^a	Total Impact (µg/m ³)	Limiting Standard (µg/m ³)	Type of Standard	Percent of Standard (%)
NO ₂ ^b	1-Hour	192.8	214	407	470	CAAQS	87
CO	1-Hour	11,106	11,125	22,231	23,000	CAAQS	97
	8-Hour	1,926	7,811	9,755	10,000	CAAQS	98

Source: MEC 2004a, 2005a.

Note(s):

- Background concentration values have been updated to reflect the highest monitored concentrations from the San Jose monitoring stations for 2000, 2001, and 2003. The San Jose 4th Street station was shut down in early 2002 and the Jackson Street station did not start up until late 2002, so data for 2002 are incomplete.
- NO_x converted to NO₂ using ISC-CLM and concurrent ozone data from San Jose.

The Final Commission Decision for the Metcalf Energy center lists background for 8 hour CO as 8,716 on page 127

**AIR QUALITY Table 6
ISC Modeling Results**

Pollutant	Averaging Time	Facility Maximum Impact ($\mu\text{g}/\text{m}^3$)	Maximum Background ($\mu\text{g}/\text{m}^3$)	Maximum Total Impacts ($\mu\text{g}/\text{m}^3$)	State Limiting Standard ($\mu\text{g}/\text{m}^3$)	Federal Limiting Standard ($\mu\text{g}/\text{m}^3$)	Percent of Standard (%)
NO ₂	1-hour	188	245	433	470		92.1
	Annual	0.67	51	51.7	-	100	51.7
CO	1-hour	650.3	11500	12150	23000	40000	53
	8-hour	549	8167	8716	10000	10000	87.1
PM ₁₀	24-hour	9.3	114.4	123.7	50	150	247.4
	Annual	1.1	25.9	27.0	30	-	90
SO ₂	1-hour	33.4	107	140.4	650	-	21.6
	24-hour	0.6	24	24.6	109	365	22.6
	Annual	0.06	0	0.1	-	80	0

Source: Ex. 7, p. 44.

The FDOC from the BAAQMD from lists the 8 hour CO Background as 8,716

**Table 6
California and National Ambient Air Quality Standards (AAQS) and
Ambient Air Quality Levels from the Proposed MEC ($\mu\text{g}/\text{m}^3$)**

Pollutant	Averaging Time	Maximum Background	Maximum Project impact	Maximum Project impact plus maximum background	California Standards	National Standards
NO ₂	1-hour	245	188	433	470	---
CO	8-hour	8167	549	8716	10,000	10,000
PM ₁₀	24-hour	114.4	9.3	123.7	50 ¹	150
	annual GM ¹	25	1.1	26.1	-	-
	annual AM ²	29	1.1	30.1	30 ¹	50

¹GM-geometric mean ²AM-arithmetic mean

When the background level for 8-hour CO from the FDOC and the Final Decision of 8,716 $\mu\text{g}/\text{m}^3$ (CEC Table 6 and BAAQMD 6 above) are used in conjunction with the 1,916 $\mu\text{g}/\text{m}^3$ in the applicant commissioning estimates table 3 above a new violation of the 8-Hour CO standard occurs 10,632 $\mu\text{g}/\text{m}^3$. Note the 1 hour background was also changed.

Unanswered Data Requests - many of the Joe Lawlers data requests remain unanswered but staff is still recommending approval? Something isn't right. WE also need the data requests fully answered for our evaluation.

Data Requests 2 through 5 - Calpine reduction in commissioning hours from 300 to 50

In response to data requests 2 through five Calpine said it was withdrawing its request to shorten the number of hours to complete commissioning.

Response: MEC, LLC objects to Data Requests 2, 3, 4, and 5 because the information requested is irrelevant to the requested amendment and is not reasonably necessary to make any decision on the amendment. Further, MEC, LLC further objects specifically to Data Request 4 because to the extent that the request is seeking commercial

guarantees, vendor quotes, actual costs, and estimated costs, and without admitting that the requested information is relevant, MEC, LLC objects on the basis that the information requested contains confidential and proprietary business information or other trade secrets that are not relevant to the Commission's environmental review of the project.

Due to the objections cited above, MEC, LLC is withdrawing the request to modify the maximum allowable operating hours from 300 hours to 50 hours without installation of catalytic controls. Since MEC, LLC is withdrawing the request to modify the maximum allowable operating hours, we are not submitting any additional information to respond to Data Request items 2 through 5.

(Calpine answer do data request 2-5)

This issue is important because Calpine is asking for a refund on NOx ERC's which were provided by POC ERC's of 40.35 tons per year of POC Emission Reduction credits. Why was Will Walters still talking about some new methods to reduce commissioning hours at the workshop when Calpine refused to answer staffs data requests on the new commissioning procedures and has withdrawn its request? The BAAQMD permit still contains this request to limit startup hours to 50 hours.

Data Request 11 PSD permit- We need Email to the BAAQMD from Calpine dated 12-23-04 and the CEC submission of January 7 on the PSD evaluation to complete our assessment of this item.

Data Request

- 11 Please discuss how exceeding the significance thresholds of Table 11 of the amendment request does not require additional PSD analysis including ambient air quality monitoring as required in Rule 2-2-414.3.

Response: This issue was addressed in an e-mail to the BAAQMD on Dec. 23, 2004, and in a submission to the CEC on January 7, 2005.

Data Request 17

Data Request

- 17 Please provide all available ambient air quality monitoring data from the MEC project vicinity in raw format for all available pollutants including, but not limited to CO, NO₂ and PM₁₀.

Response: MEC, LLC objects to this request as argumentative, irrelevant, and redundant because the Commission Decision in this case determined that the air quality monitoring data used in the certification proceeding is representative of the MEC project site, and the monitoring data used to support the amendment is consistent with that previously approved by the Commission. MEC, LLC further objects to this request as burdensome.

Why isn't this data being used by CEC when it was requested?

The CEC Final decision on the Metcalf Energy Center States that BACT for SO₂ is .2 grains per 100 scf.

SULFUR DIOXIDE (SO₂). The MEC's SO₂ emissions will be controlled by burning natural gas, which typically contains only traces of sulfur. The emissions from the project are expected to be very small, and do not require the use of any additional post-combustion SO₂ control equipment. The use of natural gas with a sulfur content specification of 0.20 grains per 100 scf meets BACT. (Ex. 141, p. 16. Final decision page 132)

The original FDOC also states that fuel sulfur will contains only .2 grains per 100scf and the Emissions for SO₂ and PM-10 are calculated on this fuel sulfur limit. The new BAAQMD permit without a new analysis will allow a fuel sulfur limit of 1 grain per 100 scf. Condition 13

BAAQMD new Permit

The BAAQMD is using not using the 8-hour Commissioning impact in its Commissioning Maximum Impact in the table below for the PSD analysis

TABLE III
Maximum predicted ambient impacts of proposed project ($\mu\text{g}/\text{m}^3$)
[Overall maximum in bold type]

Pollutant	Averaging Time	Commissioning Maximum Impact	Startup Maximum Impact	Significant Air Quality Impact Level
NO ₂	1-hour	193	188	19
CO	1-hour	11,073	10,882	2000
	8-hour	483	495	500

Current Permit application 11251 page 4

Table 3
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Source: MEC 2004a, 2005a.

Note(s):

- a. Background concentration values have been updated to reflect the highest monitored concentrations from the San Jose monitoring stations for 2000, 2001, and 2003. The San Jose 4th Street station was shut down in early 2002 and the Jackson Street station did not start up until late 2002, so data for 2002 are incomplete.
- b. NO_x converted to NO₂ using ISC_CLM and concurrent ozone data from San Jose.

Commissioning Modeling results identify that 8-hour CO impacts will be 1,926 $\mu\text{g}/\text{m}^3$ ³
BAAQMD's permit PSD evaluation on page 4 is incorrect because it states Commissioning impacts are only 483 $\mu\text{g}/\text{m}^3$

Conclusions

Wherefore for good cause shown CALifornians for Renewable Energy, Inc. (CARE) respectfully provides the following comments on the proposed Metcalf Energy Center petition to amend air quality conditions and requests an evidentiary hearing on such amendment, to allow the public an opportunity for meaningful and informed public participation.

Respectfully submitted,

By



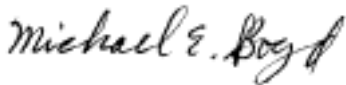
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Verification

I am an officer of the intervening corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except matters, which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 2nd, 2005, at Soquel, California



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